

## United States District Court

for

Southern District of Ohio

### Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: **Devant Terrell Geter**

Case Number: **1:00CR00045**

Name of Sentencing Judicial Officer: **The Honorable Susan J. Dlott**  
**United States District Judge**

Date of Original Sentence: **December 14, 2000**

Original Offense: **Conspiracy to Distribute Cocaine, in violation of 21 USC §§ 846 and 841 (a)(1) and (b)(1)(A), a class A felony.**

Original Sentence: **46 months BOP confinement, 5 years supervised release**

Type of Supervision: **Supervised Release**

Date Supervision Commenced: **June 14, 2004**

Assistant U.S. Attorney: **William E. Hunt, esq.**

Defense Attorney: **F. Joseph Schiavone, esq.**

### PETITIONING THE COURT

- ☐ To issue a warrant
- ☐ To issue a summons
- ☒ To grant an exception to revocation without a hearing.

The probation officer finds, under penalty of perjury, that probable cause to believe the defendant has violated one or more conditions of supervision exists:

#### Violation Number

#### Nature of Noncompliance

#1

**Condition #7: You shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician;**

On April 4, 2005, Geter submitted a urine specimen which returned positive for usage of marijuana. This is his sixth positive specimen since the supervision began. The Court previously granted the exception clause with an electronic monitoring modification under 18 USC 3583(d) on March 28, 2005.

#### U.S. Probation Officer Recommendation:

Geter's new usage occurred before the electronic monitoring could be installed. So, Geter has not had a chance to undergo the sanction ordered by the Court. Geter is scheduled to be hooked on electronic monitoring in the near future. This officer asserts Geter should be given an opportunity to undergo the sanction to see if his behavior would change for the better before pursuing violation proceedings. Geter is active in both group and individual treatment sessions at this time.

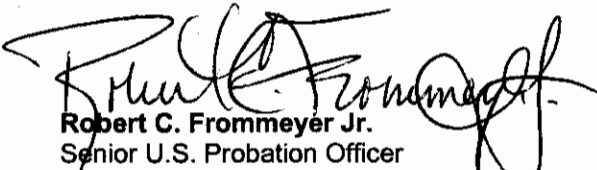
Based on the above stated reason, this officer is respectfully recommending the Court grant the exception clause in the case pursuant to 18 USC § 3583(d).

The term of supervision should be

- ☐ Revoked.
- ☐ Extended for years, for a total term of years.
- ☒ Continued based upon the exception to revocation under 18 USC 3583(d)
- ☐ The conditions of supervision should be modified as follows:


Respectfully submitted,

by

  
Robert C. Frommeyer Jr.  
Senior U.S. Probation Officer  
Date: April 18, 2005

Approved,

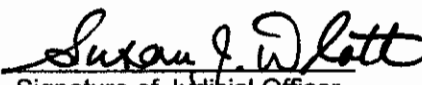
by

  
John C. Cole  
Supervising U.S. Probation Officer  
Date: 4-18-05

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THE COURT ORDERS:

- ☐ No Action
- ☐ The Court finds that there is probable cause to believe the defendant has violated the conditions of his/her probation/supervised release and orders the Issuance of a Warrant for his/her arrest.
- ☐ The Issuance of a Summons
- ☒ The Court finds the defendant can benefit from continued substance abuse treatment and grants an exception to revocation. The supervision term of the defendant is continued under all original terms and conditions, and the Court grants the requested modification
- ☐ Other

  
Signature of Judicial Officer  
April 19, 2005  
Date